
*ONTARIO'S PROPOSED
ENVIRONMENTAL
BILL OF RIGHTS
GIVES YOU THE RIGHT ...*

- *TO A HEALTHY ENVIRONMENT,*
- *TO BE INFORMED,*
- *TO BE HEARD,*
- *TO REQUEST A REVIEW,*
- *TO INITIATE AN INVESTIGATION,*
- *TO TAKE ACTION, AND*
- *TO "BLOW THE WHISTLE."*



Ontario

Environment
Environnement



W e all want an environment that is clean, healthy, and able to sustain us and future generations. While governments have – and should continue to have – primary responsibility for achieving this goal, people must have the right to participate in government decisions that may significantly affect the environment. Furthermore, when governments fail to meet their obligations to safeguard the environment, citizens should be able to hold them accountable.

The Government of Ontario is now considering legislation that will enshrine these and other rights in provincial law. The proposed legislation will help protect, maintain and, where possible, restore the natural environment for the people of Ontario and for future generations.

Members of a Task Force on the Ontario Environmental Bill of Rights – representing business, environmental organizations, and the government – have recommended the framework for such legislation in their proposed Environmental Bill of Rights. At present, the draft, which is the result of months of intensive discussion, is being circulated for further government and public consultation.

Clearly this issue concerns, and should interest, every person living in Ontario. Therefore, I urge you to read this brochure and to consider how the ideas presented here might affect you and your community. If you would like more information or would like to share your reaction to these proposals, please write to me.

Ruth Grier,

Minister of the Environment

July 1992

*AIR POLLUTION,
CONTAMINATED
SOIL, POISONED
GROUNDWATER,
MOUNTAINS OF
TRASH...*

*WHO IS
SUPPOSED TO BE
PROTECTING THE
ENVIRONMENT?*

We all are – government, business and industry, you and I. Ultimately, each of us is personally responsible for safeguarding the environment.

Every day you make important environmental choices. Do you buy that can of heavy-duty cleanser or a less toxic alternative? Do you drive to the corner store or ride your bicycle? Do you recycle your old newspapers or throw them all out for the garbage truck? When added together, millions of these individual decisions determine the health of the world we share.

These days, people are meeting their environmental responsibilities in lots of different ways. You may be working behind the scenes with family members and co-workers to make your home or workplace a little more environment-friendly. You may be involved with a community clean-up program or a neighbourhood environment group. Or you may be helping develop the laws and regulations used to control pollution and protect Ontario's environment.

However you go about it, you have to get involved if you hope to make a difference.

WHAT IS THE GOVERNMENT'S JOB?

The government, because of the constitutional role it has to regulate business and commerce in Ontario, retains the primary responsibility for protecting our environment and our public resources. It passes the laws, funds the programs, and enforces the rules.

However, the government cannot do it alone. It needs your help. It needs your ideas and suggestions. It needs your input in making some of the most important and far-reaching decisions that are being taken today. These are the decisions that will change the face of the province and influence the kind of world we leave our children and grandchildren.

Whether you are a farmer, a student, a homemaker, a factory worker or a business owner, protecting the environment is your responsibility. It is also your right.

That's where the Environmental Bill of Rights comes in. It will allow you to meet your environmental obligations because it provides you with:

- the right to a healthy environment,
- the right to information,
- the right to be heard,
- the right to take action, and
- the right to make a difference.

WHY AN ENVIRONMENTAL BILL OF RIGHTS?

An Environmental Bill of Rights establishes your right to play a meaningful role in protecting the environment, and it makes the provincial government accountable for doing its part as well. The Bill provides accountability in four main ways:

- (1) it increases public participation in all significant environmental decision-making by the government;
- (2) it improves public access to the courts in order to halt environmental damage in cases where the activity, causing the damage, is unlawful and the government has not acted to protect a public resource;
- (3) it offers greater protection for workers who "blow the whistle" on their polluting employers;
- (4) it creates an Office of the Environmental Commissioner to oversee the use and implementation of the Environmental Bill of Rights.

The Bill will provide you with effective new tools for exercising greater control over the quality of the environment in your community.

The Environmental Bill of Rights is designed to replace confrontation with consultation. It will encourage an enlightened consensus by sharing information with everyone who has a stake in the way we protect our environment – government officials, public interest groups, industry and concerned citizens.

**YOUR RIGHT
TO A HEALTHY
ENVIRONMENT:**

The underlying purpose of the Environmental Bill of Rights is to protect, maintain, and where possible, restore the natural environment for us and for future generations. The natural environment is defined to include the air, land, water, plant life, animal life and ecological systems.

"The protection of the environment is something that cannot be left to just the public or to just the government. Both must work together to protect the environment in a timely, effective, open and fair way."

*Report of the Task Force on the Ontario
Environmental Bill of Rights – July 1992*

YOUR RIGHT TO INFORMATION:

You can't make a positive contribution to the environmental decision-making process unless you know which laws, regulations, policies and other legal instruments are under consideration.

Advance notice and up-to-date background information is the key to effective public involvement. This information will be supplied on the new electronic Registry to be established by the government.

The user will be able to obtain, at a minimum, notice of any significant decision that is pending; information on the ways the public can participate in the process; and notice of the final decision made in each case.

The Registry will also be used to provide information on proposed regulations and policies and other kinds of relevant environmental information.

***YOUR RIGHT
TO BE HEARD:***

Laws and regulations spell out controls, requirements, and standards to protect our air, land, and water from pollution. Environmental policies establish the framework within which these laws and regulations are designed. Various programs and projects translate environmental policies and goals into reality. But, until now, few policies and little legislation affecting the environment have been subject to public consultation.

The suggested Environmental Bill of Rights spells out the rules under which all interested parties – you, your organization, your company, your community – may contribute to the environmental protection process.

Any interested person will be able to obtain notice that the government intends to make a significant environmental decision and will have the opportunity to comment and participate in the making of the decision. Notice of the final decision will be published.

*YOUR RIGHT
TO REQUEST A
REVIEW:*

You may not always agree with what the government is doing to protect the environment. Some people feel the government is not going far enough; others think it has gone too far. Or perhaps you believe there is a better, more effective way to get the same results.

The Environmental Bill of Rights will allow you to formally request that the government create a new law, policy, or other instrument to address some unregulated activity that may harm the environment. Laws and regulations already in place may also be subject to review.

*YOUR RIGHT TO
INITIATE AN
INVESTIGATION:*

Residents of Ontario will also be able to formally request, through a special procedure, that the government or the appropriate ministry investigate alleged incidents of environmental harm. The only stipulation is that the alleged harm must be occurring as a result of some person or company failing to comply with an existing statute, regulation or other legal instrument.

**YOUR RIGHT TO
TAKE ACTION:**

Strong, effective laws, fairly enforced, are the primary defence for a healthy environment. As a last resort, the courts can order an unwilling polluter to meet his or her environmental obligations.

Usually government inspectors and lawyers handle enforcement problems. But, in certain instances, you may feel that the government has failed to halt a polluting activity and is, therefore, not meeting its primary responsibility for protecting the environment.

The Environmental Bill of Rights will permit you to go to court when you believe an activity is in contravention of an Act, regulation or permit or is causing environmental harm. You can ask for an injunction to halt this activity if it is harming a public resource, or is likely to harm a public resource. The Bill defines a public resource to include Crown lands, as well as the air and public waters (including the groundwater) of Ontario.

The courts could also order the party causing the harm to negotiate a restoration plan with stakeholders and the government. The goal of the plan would be to ensure that the person who causes the damage has to repair it.

**YOUR RIGHT
TO "BLOW THE
WHISTLE":**

According to the province's Environmental Protection Act (a piece of legislation that is already in force) you cannot be dismissed, disciplined, penalized, coerced or otherwise intimidated for "blowing the whistle" on an employer who is breaking one of Ontario's environmental laws or regulations.

The Ontario Labour Relations Board can order the offending company to reinstate and/or compensate any employee who is unjustly fired or in any way harassed for simply reporting a pollution problem to the ministry.

The Environmental Bill of Rights will extend those same worker safeguards to a longer list of environmental laws.

The Bill will also guarantee that employees cannot be disciplined for exercising any of their new rights: requesting an investigation, taking part in the development of a new environmental regulation, or testifying at a trial.

***HOW WILL THE
BILL OF RIGHTS
APPLY TO OTHER
MINISTRIES?***

The Ministry of the Environment is not the only government agency whose actions have an impact on the environment. Many of the programs, policies and regulations of the ministries of Natural Resources, Northern Development & Mines, and Agriculture & Food, among others, have environmental implications and consequences.

Each of these ministries will, through public consultation, draft a Statement of Environmental Values. The statement will be used to guide environmental decision-making within the ministry.

In addition, the Environmental Commissioner will ensure that the objectives of the Environmental Bill of Rights are evenly applied to all the government's activities.

WHAT'S THE NEXT STEP?

In July 1992, the draft Environmental Bill of Rights was released for public comment and discussion. Groups interested in the Bill will be briefed on the proposed legislation and will be asked to submit suggestions for fine-tuning it and making it more effective.

Recommendations from these groups and from any interested organizations or individuals in Ontario who write to the Minister of the Environment will be reviewed by the ministry, in consultation with the Task Force on the Ontario Environmental Bill of Rights. When that review is complete, a final version of the Bill will be drafted and introduced for debate in the Ontario Legislature.

**HOW CAN I
LEARN MORE?**

To ensure the people of Ontario know about the proposed Environmental Bill of Rights, the Ministry of the Environment has made available the following materials, including a more detailed description of the bill:

**MATERIALS
AVAILABLE:**

Task Force Report (212 pages)*
News release (3 pages)*
Overview of Task Force Report (10 pages)*

* Approximate number of pages

WRITE:

**TO OBTAIN A COPY OF ANY OF
THESE MATERIALS:**

**Environmental Bill of Rights
Ontario Ministry of Environment
135 St. Clair Avenue West
Toronto, Ontario M4V 1P5**

CALL:

1-800-565-4860

FAX:

(416) 323-4564

The minister would like to hear your comments on the proposed Bill of Rights. If you have any comments please write to:

**Environmental Bill of Rights
Attention: Ruth Grier
Minister of the Environment
135 St. Clair Avenue West
Toronto, Ontario M4V 1P5**

Aussi disponible en français.



